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- PART II—Section 1

Acts, Ordinances and Regulations

AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 30th March, 1953

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 5th March, 1953 and is hereby published for general information:—

THE AJMER PRIMARY EDUCATION ACT, 1952

Act No. II of 1952

An Act to provide for the compulsory attendance of children at recognised schools in the State of Ajmer

Be it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. **Short title, extent, and commencement.**—(1) This Act may be called the Ajmer Primary Education Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) This section and section 2 shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the Chief Commissioner may by notification appoint.

2. **Interpretation.**—(1) In this Act, unless there is anything repugnant in the subject or context—

(a) "Chief Commissioner" means the Chief Commissioner of the State;

(b) "compulsory scholar" means any child whose guardian is required by section 6 to cause its attendance at a recognised school;

(c) "guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognised usage, or who has accepted or assumed the care, nurture

or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority;

(d) "notification" means a notification in the Official Gazette;

• (e) "prescribed" means prescribed by rules made under this Act;

(f) "primary course" or "primary education" means such course or education as may be prescribed;

(g) "recognised school" means a school or department of a school maintained or aided by the State for imparting primary education;

(h) "school age" means such age, not being under 6 years or over 11 years, as may from time to time be prescribed with reference to children in respect of any local area;

(i) "State" means the State of Ajmer.

(2) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act, as it applies for the interpretation of a Central Act.

3. Introduction of compulsory primary education.—(1) The Chief Commissioner may by notification (hereinafter referred to as the specified notification) declare that primary education shall be compulsory within such area, and with effect from such date, as may be specified in the notification for all children of school age; and thereupon the provisions of sections 4 to 12 (both inclusive) shall take effect within such area.

(2) The Chief Commissioner may by notification cancel or suspend the operation of any specified notification.

4. Power to exempt any person or class of persons from effect of specified notification.—The Chief Commissioner may by order in writing exempt any person or class of persons from the effect of a specified notification.

5. Fees not to be levied.—No fee shall be levied at a recognised school from any child to whom a specified notification applies.

6. Responsibility of guardian to cause child of school-age to attend school.—(1) In any area to which a specified notification relates, it shall be the duty of the guardian of every child of school-age resident in such area and affected by such notification, to cause such child to attend a recognised school in such area, unless there be a reasonable excuse for its non-attendance:

Provided that no child who has completed the primary course or a course recognised by the Chief Commissioner as equivalent thereto shall be required so to attend.

(2) The Chief Commissioner shall by order in writing specify the days in each month and the hours in each day for which such child shall be required to attend such school; and no such child shall be deemed to have attended such school within the meaning of this section unless he has attended the days and the hours so specified.

7. Reasonable excuses for non-attendance.—A reasonable excuse for non-attendance shall include—

(a) that there is no recognised school within a distance of two miles by the nearest route from the residence of the child; or

(b) that there is no recognised school within a distance of two miles by the nearest route from the residence of the child except a school in which any religious observance or religious instruction of a nature not approved by the guardian is compulsory; or

(c) that the child is receiving instruction in some other manner declared to be satisfactory by a prescribed officer or authority; or

(d) that the child has been granted temporary leave of absence from school for sickness, infirmity or other sufficient reason in accordance with the rules made under this Act; or

(e) that the child is unfit to attend school by reason of some physical or mental defect; or

(f) that the child is exempt from attendance on any other prescribed ground.

8. Warning.—Whenever the headmaster of a recognised school has reason to believe that the guardian of a compulsory scholar is not causing the scholar to attend the school in accordance with the provisions of this Act, or that any person is employing a compulsory scholar during the specified hours of attendance at school, the headmaster shall warn the guardian or person, in such manner as may be prescribed, to cause such scholar to attend school or to discontinue the employment of such scholar, as the case may be, within a week after the receipt of such warning.

9. Penalty for neglect by guardian.—If any guardian or person fails to comply with the provisions of section 6 after receiving due warning under section 8, he shall be punishable with fine which may extend to fifty rupees.

10. Cognizance of offences.—No court shall take cognizance of an offence under section 9 except on the complaint of a person authorised, generally or specially in this behalf by order in writing by the Chief Commissioner in respect of the whole or any part of the area to which the specified notification relates.

11. Certain persons to be public servants.—All persons duly authorised under section 10 to make complaints under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

12. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against Government or any authority or person in respect of any thing done or intended to be done by it or him in good faith in pursuance of this Act or of any rule or order made thereunder.

13. Delegation of powers.—The Chief Commissioner may, by notification, authorise any officer or person to exercise any one or more of

the powers vested in him by this Act, except the power to make rules, and may, in like manner, withdraw such power or powers.

14. Power to make rules.—The Chief Commissioner may by notification make rules, not inconsistent with this Act, to carry out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the conditions under which leave may be granted to compulsory scholars under section 7(d) and the authority competent to grant such leave.

(3) The power to make rules conferred by this section shall be subject to the condition of previous publication.

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 14th March, 1953, and is hereby published for general information:—

THE AJMER OFFICIAL LANGUAGE ACT, 1952

ACT NO. IV OF 1952

An Act to provide for the adoption of Hindi in Devanagari script as the Language to be used for the official purposes of the State of Ajmer.

BE it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. Short title, extent, commencement and interpretation.—(1) This Act may be called the Ajmer Official Language Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) Section 1 shall come into force at once; and section 2 shall come into force on such date as the Chief Commissioner may by notification in the Official Gazette appoint, and different dates may be appointed for different Official purposes of the State:

Provided that the date or dates so appointed shall not be later than seven years from the date on which section 1 comes into force.

(4) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

2. Official Language.—(1) Subject to the provisions of Articles 346, 347 and 348 of the Constitution of India, the language to be used for the official purposes of the State shall be Hindi in Devanagari script with the international form of Indian numerals.

(2) Nothing in this Act shall be deemed to affect the provisions of section 33 of the Government of Part C States Act, 1951 (XLIX of 1951).

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 9th March, 1953 and is hereby published for general information:—

THE AJMER (SOUND AMPLIFIERS CONTROL) ACT, 1952

Act No. III of 1952

An Act to control the use of sound Amplifiers in the State of Ajmer.

BE it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. Short title, extent, commencement and interpretation.—(1) This Act may be called the Ajmer (Sound Amplifiers Control) Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint, but different dates may be appointed for different areas of the State of Ajmer.

(4) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

2. Prohibition of unauthorised use of sound Amplifiers.—No person shall use in any place, whether public or otherwise, any sound amplifier except at such times and places and subject to such conditions as shall from time to time be allowed, by order in writing either generally or in any case or class of cases by a police officer not below the rank of an Inspector:

Provided that nothing in this section shall apply to the use in a place other than public place, of a sound amplifier which is a component part of a wireless apparatus duly licensed under any law for the time being in force.

Explanation.—In this section 'public place' means a place (including a road, street or way, whether a thorough-fare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.

3. Penalty for unauthorised use of sound amplifiers.—Any person contravening the provisions of section 2 shall be punishable with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or both.

4. Power of police officer to arrest without warrant.—Any police officer may arrest without a warrant any person committing in his view an offence punishable under this Act.

N. SWAMINATHAN,
Secretary to Government.